

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JEROME KELLEY)
)
Plaintiff,)
) CASE NO. 2:07-CV-820-MEF
v.)
)
CRACKER BARREL OLD)
COUNTRY STORE, INC.)
)
Defendant.)

ORDER

On April 28, 2008, Defendant filed a Motion for Summary Judgment. (Doc. # 26).

On April 29, 2008, the Court ordered that Plaintiff file a response on or before May 13, 2008. (Doc. # 28). Plaintiff did not comply with that Order.

Accordingly, it is hereby

ORDERED that on or before June 9, 2008, Plaintiff shall file either (1) a response in opposition to Defendant's Motion for Summary Judgment or (2) a certification that Plaintiff concedes that Defendant's Motion for Summary Judgment is due to be granted. Failure to comply with this Order may result in sanctions of Plaintiff's counsel pursuant to Rule 16(f)(1) of the Federal Rules of Civil Procedure.

Done this the 3rd day of June, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE